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August 25, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*via ECFS*

**Re: Easy Telephone Services Company Written Ex Parte Presentation;**  
**WC Docket Nos. 09-197, 10-90, 11-42**

Dear Ms. Dortch:

On behalf of Easy Telephone Services Company d/b/a Easy Wireless (Easy), this letter hereby responds to certain statements in a written ex parte presentation filed in the above-referenced proceedings by the Public Utility Division (PUD) of the Oklahoma Corporation Commission (OCC) on August 10, 2017.<sup>1</sup>

The PUD Letter expresses support for the Universal Service Administrative Company's (USAC's) plan to require Eligible Telecommunications Carriers (ETCs) to provide "current proof" of eligibility documentation for thousands of Lifeline subscribers prior to the migration to the National Verifier.<sup>2</sup> In support of its position, the PUD claims that the current eligibility verification process has numerous shortcomings, and points to two currently pending enforcement actions in Oklahoma, including an action against Easy,<sup>3</sup> as examples of the need for USAC's proposal to require proof of eligibility.<sup>4</sup> By this letter, Easy seeks to clarify the record

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<sup>1</sup> See Letter from Brandy Wreath, Director, Public Utility Division, Oklahoma Corporation Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 09-197, 10-90, 11-42 (August 10, 2017) (PUD Letter).

<sup>2</sup> See *id.* at 1-2.

<sup>3</sup> See Cause No. EN 201700073, Complaint, Information, Summons, and Notice of Enforcement Citation for Contempt of Easy Telephone Services Company d/b/a Easy Wireless (filed Apr. 20, 2017) (OCC Case).

<sup>4</sup> See PUD Letter at 2-6.

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with regard to statements in the PUD Letter about the allegations and current status of the OCC Case.<sup>5</sup>

The PUD Letter correctly states that as of July 2016, Easy provided enhanced Tribal Lifeline services to 116 subscribers in Oklahoma based on their claimed participation in the Bureau of Indian Affairs General Assistance (BIA General Assistance) program.<sup>6</sup> However, Easy has disputed and continues to dispute the PUD's claim that 82 of these subscribers "were enrolled based on invalid documentation."<sup>7</sup> Indeed, the PUD's analysis of the documents indicates a lack of understanding of the complexities of the BIA General Assistance program, resulting in inconsistent and incorrect conclusions about the documents.

Notably, the PUD Letter fails to disclose that the PUD's allegations of inadequate documentation of eligibility were heard by an administrative law judge on June 14, 2017 in a matter that remains pending with neither a recommendation by the judge on the merits nor a decision by the OCC. At the hearing, Easy's witness was able to explain that Easy's review of subscriber eligibility documentation of participation in the BIA General Assistance Program was informed by research, including direct outreach to the BIA.<sup>8</sup> Additionally, for each of the disputed subscribers, Easy confirmed that (a) the subscriber checked the box stating that he or she is a participant in the BIA General Assistance program, (b) the subscriber provided

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<sup>5</sup> Easy has no direct knowledge of and takes no position on the allegations set forth in the PUD's case against True Wireless, LLC.

<sup>6</sup> PUD Letter at 4.

<sup>7</sup> *Id.* Easy has noted in the OCC Case that, upon further review, 20 of the subscribers identified by the PUD were inadvertently enrolled using improper documentation (18 Degree of Indian Blood Cards; one Tribal burial benefits letter; and one Tribal paystub that did not demonstrate participation in the BIA General Assistance program). Upon making this determination, Easy notified those subscribers that they would be required to provide proper documentation of participation in the BIA General Assistance program within 30 days. To the extent the subscribers did not provide such documentation, Easy de-enrolled those subscribers from Lifeline and has reimbursed USAC for all benefits received on behalf of each of subscriber. In addition, all real-time reviewers and auditors have been required to undergo additional training relating to the documentation required to demonstrate BIA General Assistance program participation. *See* Cause No. EN 201700073, Prefiled Testimony of Tina Allen on behalf of Easy Telephone Services Company d/b/a/ Easy Wireless, 22:20 – 23:10 (filed June 2, 2017). Easy continues to dispute the PUD's claims for the remaining 62 subscribers at issue in the OCC Case.

<sup>8</sup> *See* Cause No. EN 201700073, Transcript of Proceedings, SJ 132-33 (June 14, 2017) (Hearing Transcript) (Easy's witness explained that she personally contacted the BIA office in Washington, D.C. to inquire about the types of documents a BIA General Assistance program participant might receive. She was told that program documentation could come either from the BIA or a tribe, and that the program included payments for basic needs such as food, shelter, health, clothing or utilities.).

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supporting documentation from the BIA or a tribe, (c) the documentation demonstrated support for food, shelter, health, clothing or utilities initiatives covered under BIA General Assistance, and (d) the subscriber certified under penalty of perjury that the information provided was true and correct.<sup>9</sup> At that same hearing, the PUD's witness was unable to explain why not one of the documents accepted as valid by the PUD met the PUD's self-proclaimed standard that the documentation must be issued by the BIA or a BIA regional office.<sup>10</sup> Of course, this is not surprising, as BIA General Assistance is typically administered by the tribes. The PUD's witness also was unable to explain such things as why in one instance the PUD found a check stub from a Tribe indicating that the funds were provided for clothing assistance was acceptable proof of participation in the BIA General Assistance program, while in another instance it determined that a check stub from a Tribe indicating that the funds were provided for school clothing was not acceptable.<sup>11</sup> What the PUD's witness did successfully demonstrate is that reviewing proof of eligibility documentation can be challenging and that while reasonable due diligence and good faith are reasonable expectations, perfection is not.

The PUD Letter also fails to place its allegations in context. These allegations involve a tiny fraction of one percent of Easy's Oklahoma subscribers. Indeed, even if all 82 subscribers identified by the PUD were enrolled based on improper documentation – which they were not – these subscribers comprised just 0.17 percent of Easy's Oklahoma Lifeline subscribers in July 2016. In an unbecoming manner, the PUD's Letter deliberately exaggerates the alleged errors in Easy's program eligibility screening practices by focusing on a tiny subset of enrollments reviewed.

Regardless of any error rate – alleged, actual or perceived – Easy has always been and remains committed to guarding against waste, fraud and abuse in the Lifeline program. The Company has implemented robust practices designed to ensure compliance with federal and state program requirements, including the use of valid eligibility documentation, and respectfully submits that these procedures are highly effective. Moreover, in any case where an error is made by the Company, the Company is committed to making the Fund whole.

Easy commends the Commission's and USAC's efforts to develop the National Verifier to "increase the integrity and improve the performance of the Lifeline program,"<sup>12</sup> and

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<sup>9</sup> See *id.* at SJ 117-18.

<sup>10</sup> See *id.* at SJ 44-46 (When asked why an award letter issued by the Seminole Nation was acceptable proof of participation in the BIA General Assistance program, the PUD witness conceded that his conclusion was based on his own "logic.").

<sup>11</sup> See *id.* at SJ 47-49.

<sup>12</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, ¶ 126 (2016).

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appreciates that USAC has engaged with stakeholders throughout the development process. However, Easy respectfully submits that it would be inappropriate for the Commission or USAC to lend weight to the unproven allegations set forth in the PUD Letter when making final determinations about the National Verifier migration process. As noted by the Lifeline Connects Coalition, although “the National Verifier should verify Lifeline subscribers’ eligibility as they are migrated into the Lifeline Eligibility Database (LED), this process must be done in a manner that does not overburden Lifeline subscribers and result in the wasteful and abusive de-enrollment of potentially millions of low-income Americans who have demonstrated eligibility as required by Commission rules.”<sup>13</sup>

Please contact me should you have any questions.

Respectfully submitted,



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<sup>13</sup> See Letter from John J. Heitmann and Joshua Guyan, Counsel to the Lifeline Connects Coalition, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 09-197, 10-90, 11-42, at 2-4 (August 14, 2017).